

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM C. TOTH JR., *et al.*,

Plaintiffs,

V.

LEIGH M. CHAPMAN, *et al.*,

Defendants.

V.

CAROL ANN CARTER, *et al.*,

Intervenor-Defendants.

No. 1:22-cv-00208-JPW

Honorable Jennifer P. Wilson

CARTER PETITIONERS' MOTION TO DISMISS THE SECOND AMENDED COMPLAINT

Carol Ann Carter, Monica Parrilla, Rebecca Poyourow, William Tung, Roseanne Milazzo, Burt Siegel, Susan Cassanelli, Lee Cassanelli, Lynn Wachman, Michael Guttman, Maya Fonkeu, Brady Hill, Mary Ellen Balchunis, Tom Dewall, and Stephanie McNulty, (“Carter Petitioners”) hereby move, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss Claim 1 and Claim 2 of the Second Amended Complaint of William C. Toth Jr., William J. Hall, James Bognet, Aaron Bashir, and Alan M. Hall (ECF No. 49) with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted, for all the reasons set forth in the accompanying Brief.

WHEREFORE, the Carter Petitioners respectfully request that this Court enter an order granting this Motion to Dismiss and dismissing Claim 1 and Claim 2

of the Second Amended Complaint with prejudice.

Dated: March 1, 2022

Respectfully submitted,

/s/ Elizabeth V. Wingfield

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**Motions for Pro Hac Vice
Forthcoming*

***Admitted Pro Hac Vice*